



AGENDA

Raymore Board of Adjustment Regular Meeting
City Hall – 100 Municipal Circle
Wednesday, June 12, 2024
6:00 PM

1. Call to Order

2. Roll Call

3. Pledge of Allegiance

4. Personal Appearances

5. Consent Agenda

A. Approval of Minutes from the April 10, 2024 Meeting

6. Unfinished Business

7. New Business

A. Case #24005 411 S. Pelham Path - Fence Variance

8. Staff Comments

A. Monthly Development Services Report

9. Board Member Comment

10. Adjournment

Any person requiring special accommodation (i.e., qualified interpreter, large print, hearing assistance) in order to attend this meeting, please notify this office at (816) 331-3324 no later than forty eight (48) hours prior to the scheduled commencement of the meeting.

Hearing aids are available for this meeting for the hearing impaired. Inquire with the City Clerk, who sits immediately left of the podium as one faces the dais.

THE **BOARD OF ZONING ADJUSTMENT** OF THE CITY OF RAYMORE, MISSOURI, MET IN REGULAR SESSION **WEDNESDAY, APRIL 10, 2024** IN THE COUNCIL CHAMBERS AT RAYMORE CITY HALL, 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI WITH THE FOLLOWING BOARD MEMBERS PRESENT: STEPHANIE VELSASCO, TERRI WOODS, BEN BAILEY, PAM HATCHER, AND JERRY MARTIN. ABSENT WAS AARON HARRISON. ALSO PRESENT WERE CITY PLANNER DYLAN EPPERT, ATTORNEY MANDY MARSHALL, AND ADMINISTRATIVE ASSISTANT EMILY JORDAN.

1. Call to Order – Chairman Hatcher called the meeting to order at 6:15 p.m.

2. Roll Call – Roll was taken and Chairman Hatcher declared there was a quorum present to conduct business.

3. Pledge of Allegiance

4. Public Appearances - None

5. Consent Agenda – Approval of Minutes from the March 13, 2024 meeting

Motion by Board Member Martin Seconded by Board Member Woods to approve the March 13, 2024 minutes.

Vote on Motion:

Board Member Woods	Aye
Board Member Bailey	Aye
Chairman Hatcher	Aye
Board Member Harrison	Absent
Board Member Martin	Aye
Board Member Velasco	Aye

Motion passed 5-0-0

6. Unfinished Business – None

7. New Business

a. Case #24003 - Chick-Fil-A Development Standard Variances (*public hearing*)

Public hearing opened at 6:17pm.

Mr. Eppert gave the Staff report, including the project narrative, existing and surrounding zonings, public hearing notices, past planning actions, staff comments, and Staff recommendation. The applicant is requesting three variances under this one application, including a variance allowing a trash enclosure to be located within the 5' rear yard setback, allowing light levels under the drive-thru to exceed the allowed 30 footcandles, and to allow the proposed site landscaping to be less than the minimum 20% required for Commercial and Industrial uses. The trash enclosure request would allow the trash enclosure to be located 1'9" from the property line instead of the required 5' which is for a 66% increase. The applicant is requesting 36.3 footcandles for the under canopy lighting, which is a 21% increase. The applicant is also requesting a landscape variance for 15% (a 5% reduction) of the 20% required by Code. City Staff recommend approval of the case.

Board Member Woods asked about the type of landscaping material.

Mr. Eppert noted that there will be trees and bushes, it will be live landscaping.

Board Member Bailey asked about the lighting, and whether it was the standard fixture for a Chick-Fil-A. Also voiced was a concern about the lighting shining in the eyes of drivers along 58 Highway.

Justin Lurk, representative from Chick-Fil-A, came to the podium. Mr. Lurk noted that it is the standard fixture for the restaurant, and since the drive-thru lanes are close to busy roads, the brighter lights make for a safety feature for their outdoor employees working the drive-thru. Mr. Lurk noted that the lights are flush mounted and point straight down, so they won't interfere with the drivers' vision.

Mr. Eppert noted that there was a lighting plan and can confirm that the light will be contained inside the site.

Chairman Hatcher asked why the request for less landscaping.

Mr. Lurk noted that it was to maximize parking, and that it was a preference to keep the onsite parking and request a variance. They could lose the parking to accommodate the landscaping, but keeping the parking was a preference.

Mr. Eppert noted that the site exceeds the required amount of parking for the site.

Public hearing closed at 6:21pm.

Motion by Board Member Velasco, Seconded by Board Member Woods, to accept the Staff proposed Findings of Fact and approve Case #24003, Chick-Fil-A Development Standard Variances including the 3 variances as previously listed.

Vote on Motion:

Board Member Woods	Aye
Board Member Bailey	Aye
Chairman Hatcher	Abstain
Board Member Harrison	Absent
Board Member Martin	Aye
Board Member Velasco	Aye

Motion passed 4-0-1

8. Staff Comments -

Mr. Eppert gave the Development Services monthly report. There will not be a meeting in May.

9. Board Member Comment - none

10. Adjournment

Motion by Board Member Martin, Seconded by Board Member Woods to adjourn.

Vote on Motion:

Board Member Woods	Aye
Board Member Bailey	Aye
Chairman Hatcher	Aye
Board Member Harrison	Absent
Board Member Martin	Aye
Board Member Velasco	Aye

Motion passed 5-0-0

The Board of Adjustment meeting for April 10, 2024 adjourned at 6:31 p.m.

Respectfully submitted,
Emily Jordan

411 S. PELHAM PATH Fence Variance

APPLICANT -

Property Owner: Sandra Hyde
Applicant: Michael Briggs

PROJECT LOCATION

411 S. Pelham Path
SE Corner of Cove Dr. and
S. Pelham Path

REQUESTED ACTION

Variance of Development
Standard: Section
440.030(C)(2) "Fences"

PROJECT NARRATIVE

An application was filed requesting a variance to Unified Development Code Section 440.030(C)(2), allowing for a 6' privacy fence to be located within the required front yard setback.



ZONING AND LAND USE SUMMARY -

EXISTING ZONING

"R-1" Single-Family Residential District

SURROUNDING ZONING & LAND USE

North: R-1, Single-Family Residential District
South: R-1, Single-Family Residential District
East: R-1P, Single-Family Residential Planned District
West: R-1, Single-Family Residential District

TOTAL TRACT SIZE

0.229 Acres

INFORMATIONAL NOTICES OR MEETINGS -

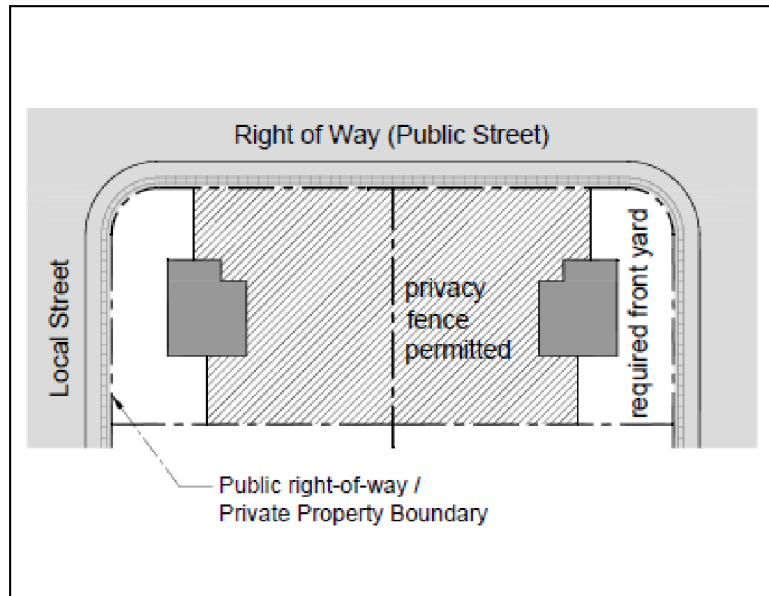
NOTICE	DATE
Public Hearing Advertisement	• May 22, 2024 North Cass Herald
Public Hearing	• June 12, 2024

PAST PLANNING ACTIONS -

1. The subject property was approved as part of the Foxhaven 9th Plat - Final Plat and is identified on the plat as lot 293. The City Council voted unanimously to approve the Foxhaven 9th Plat on July 8, 1996.
2. A single-family dwelling unit was constructed and received its Certificate of Occupancy on April 23, 1997.
3. On October 9, 2023 the 36th Amendment of the Unified Development Code was unanimously approved by the City Council. Within the amendment was a modification to Chapter 440.030 "*Fences*". More specifically non-conforming fences and corner lots (See "Staff Comments" section of the Staff report).

STAFF COMMENTS -

1. Notices of the request were mailed to twenty-one (21) adjoining property owners. No objections or concerns were received. One (1) adjoining property owner which resides at 1523 Cove Dr. (immediately east of the subject property) submitted a letter of support for the applicant (see attached letter of support).
2. The Unified Development Code states: If the following conditions apply to a corner lot, then the privacy fence, chain link fence, decorative fence, wall or hedge may be installed to a height of six feet **up to the property line in the rear yard of the structure as illustrated below:**
 - a. If the rear yard of a corner lot is adjacent to the rear yard of another corner lot; and
 - b. The front of each home on each lot faces in opposite directions; and
 - c. There is no driveway to either home from the street adjacent to the side yard of both lots.



3. The Unified Development Code also states: Nonconforming Fences. [Amendment 36 - Ordinance 2023-076, 10-9-2023]
- a. Any fence, with the exception of those described in Subsection (b) of this Section, legally erected prior to the date of adoption of this code, and not in compliance with the provisions of this Section, shall be considered a non-conforming structure. Repairs to a non-conforming structure shall only be made in compliance with Chapter 475 of this Code.
 - b. On corner lots in residential districts, any fence legally erected prior to the date of adoption of this Code and not in compliance with the provisions of this Section, but are proposed to be maintained or replaced with a fence of identical material, type, size, and location, and not creating or expanding any further non-conformities within this Section, shall be permitted to be repaired or replaced.

4. The applicant's request is derived from the necessity to replace an old dilapidated 4' decorative wood fence while also balancing having a dog that has the ability to scale the existing fence. Even with the recent approval of 36th UDC amendment the applicant's request could not be permitted at the staff level due to the fence height (going from 4' existing to proposed 6') and the type of fence (being a decorative wood fence to a wooden privacy fence).

Under the fence code the applicant would be restricted to constructing the new fence 30' back from the property line, rather than replacing the fence in the current location, which is approximately 11' back from the curb.

5. If the application request for the variance is to be approved by the Board of Adjustment, the applicant would still need to obtain a fence permit and pay the associated fee before the permit could be issued.
6. A concurring vote of four (4) members of the Board shall be necessary to decide in favor of the applicant.

FINDINGS OF FACT -

Section 470.060 of the Unified Development Code directs the Board of Adjustment concerning their actions in the deliberation of variance of development standard request. Section 470.060(E) directs the Board of Adjustment to make determinations on eight (8) findings of fact:

1. The variance requested arises from such a condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner and applicant or their agent, employee or contractor.

The requested variance does result from two conditions that are unique to the property but are actually created by the property owner directly east (1523 Cove Dr.). The property owner at 1523 Cove Dr. (Abuts 411 S. Pelham Path on the east) has a large tree located in their front yard. The tree actually causes more of a sight vision issue than the existing 4' wood fence on the subject property. The other condition that is unique would be the location of the driveway located at 1532 Cove Dr. There is approximately 66' measured from the east property line of 411 S. Pelham Path to the driveway that serves 1523 Cove Dr.

2. The strict application of the provisions of the Unified Development Code of which the variance is requested will constitute an unnecessary hardship or practical difficulty upon the property owner represented in the application and that such unnecessary hardships or practical difficulties are not generally applicable to other property in the same district.

An unnecessary hardship arises when the physical characteristics of a property, coupled with imposed governmental regulations, preclude a property owner from any reasonable use of their land. There does appear to be a hardship that would necessitate a variance to be allowed. The code changed in 2012 which if not permitted a variance, the overall backyard would essentially shrink. If this variance was not approved the fence would have to be built 30' back from the property line causing their yard to shrink dramatically. The property owner recently bought the property knowing that the fence would need to be replaced due to its unsightly condition. Unfortunately, the property owner also has a dog that can jump the 4' fence that exists today. The owner is requesting to construct a 6' privacy fence in the same location as the existing 4' fence.

3. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents

Granting of the variance would not adversely affect the rights of adjoining property owners. The fence location will not change, the applicant is requesting to replace the old dilapidated fence that exists on the property in its current location. The property at 407 S. Pelham Path (immediately north of the subject property) has a 6' privacy fence in the same front yard setback area.

4. The granting of the variance will not result in advantages or special privileges to the applicant or property owner that this code denies to other land, structures or uses in the same district.

Granting of the variance would not result in advantages or special privileges to the applicant. This type of request has become more common recently as corner lots are typically the ones having to request the variance. The city has historically approved these types of variances as there almost always seems to be a special circumstance or unique property characteristics that helps substantiate their request.

5. Whether the requested variance is the minimum variance necessary to provide relief.

The requested variance is the minimum variance necessary to allow the property owner to provide relief from the existing Unified Development Code. The original fence is installed in the same area as the new fence that is being proposed. The only difference is the height requested and is proposed to change from a decorative wood fence to a wood privacy fence. No complaints have been received from the neighbors or neighboring property owners. A letter of support has been received from the property owner of 1523 Cove Dr.

6. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

The variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

7. The granting of the variance desired will not be opposed to the relevant purposes and intents of this Unified Development Code.

Relevant purposes and intents of the UDC include the promotion of health, safety, and general welfare and the protection of property values. The granting of the proposed variance will not oppose the purpose and intent of the UDC.

8. The variance will result in substantial justice being done, considering both the public benefits intended to be secured by this code and the individual hardships or practical difficulties that will be suffered if the variance request is denied.

The requested variance supports the purpose and intent of the Code and will not adversely affect the public health, safety or welfare.

PROJECT REVIEW SCHEDULE

COUNCIL, COMMISSION OR BOARD	ACTION	DATE
Board of Zoning Adjustment	Review & Recommendation	June 12, 2024

STAFF RECOMMENDATIONS -

City Staff has reviewed the variance request and determined the request is reasonable given the unique property characteristics as outlined in the staff report.

City Staff recommends the Board of Adjustment accept the Staff Proposed Findings of Fact and approve Case #24005 - 411 S. Pelham Path - Fence Variance.

PROJECT ATTACHMENTS -

1. Site Photographs
2. Site Visual (Proposed Fence Location)
3. Applicants letter to the Board of Adjustment
4. Support Letter (1523 Cove Dr.)
5. Foxhaven 9th Plat - Final Plat

411 S. Pelham Path - Site Photos



View looking East from S. Pelham Path



View looking south from Cove Dr.



View looking towards 411 S. Pelham Path from 1523 Cove Dr.



To Board of Adjustments,

5-2-24

I am requesting approval to build a privacy fence located at 411 S Pelham Path, Raymore, mo. we have spoke with the neighbors to the East and they are completely good with the privacy fence being installed. The current fence is a 4' decorative. Our family dog, Kona, loves to run, ~~play~~ and definitely jump, very high I might add. She means the world to us and we cannot lose her to jumping over the current 4' fence. The new 6' privacy fence would protect her as well as giving our family privacy. It will also enhance the area with a new fence. It will have gates and latches. We pray you will consider the fence to protect our doggy. Thank you. Respectfully,

Mitchell R. R.

I further believe that the driveway to the East of the property is far enough away that it would not interfere with the safety of the owner's sight when pulling in and out of their driveway.

Fence Permit, 411 S Pelham Path

2 messages

Darren McIntosh <DMcIntosh@indepmo.org>
To: "deppert@raymore.com" <deppert@raymore.com>

Thu, May 2, 2024 at 9:09 AM

Dear Dylan Eppert,

Good morning Mrs. Eppert. My name is Darren McIntosh, and my wife Shannon and I reside at [1523 Cove Drive](#) in Raymore. I was contacted by my neighbor at 411 S Pelham Path yesterday evening with a request to contact your office via email regarding that resident's permit application for construction of a six-foot privacy fence. He indicated that his permit required me to notify your office that construction of his privacy fence would not hinder/effect the sight line of the roadway (Cove Drive) from my driveway.

I reviewed the Raymore City Charter, Chapter 440 Land Use, Subsection 440.030 Fences concerning his request. My assumption is that your office is seeking my input with the sole purpose of presenting a recommendation to the City Council for a general approval. Is this correct, and if so, is there any form I should be completing for formal documentation? I have no real concerns about his fence but want to ensure I follow proper protocol.

Respectfully,

Darren E. McIntosh
Sergeant, Patrol Division
City of Independence Police Department
[223 N Memorial DR](#)
[Independence, MO 64050](#)
O - (816) 325-7827
C - (417) 622-1374
dmcintosh@indepmo.org
[Police Department - City of Independence, Missouri](#)

Dylan Eppert <deppert@raymore.com>
To: Darren McIntosh <DMcIntosh@indepmo.org>

Fri, May 3, 2024 at 10:19 AM

Darren,

There is not necessarily a formal document. This email should be sufficient for our records. I will place this email in the packet for the Board of Zoning Adjustment meeting. Also, please be on the lookout in the next few weeks from the City of Raymore. Anytime an application that requires a public hearing any property within 185' is legally required to be notified of the public hearing and are invited to attend. Thank you for your input into this process.

Have a great weekend!

Dylan M. Eppert | City Planner
City of Raymore | 100 Municipal Circle
(816) 892-3016 | www.raymore.com

MONTHLY DEPARTMENT REPORT MAY 2024

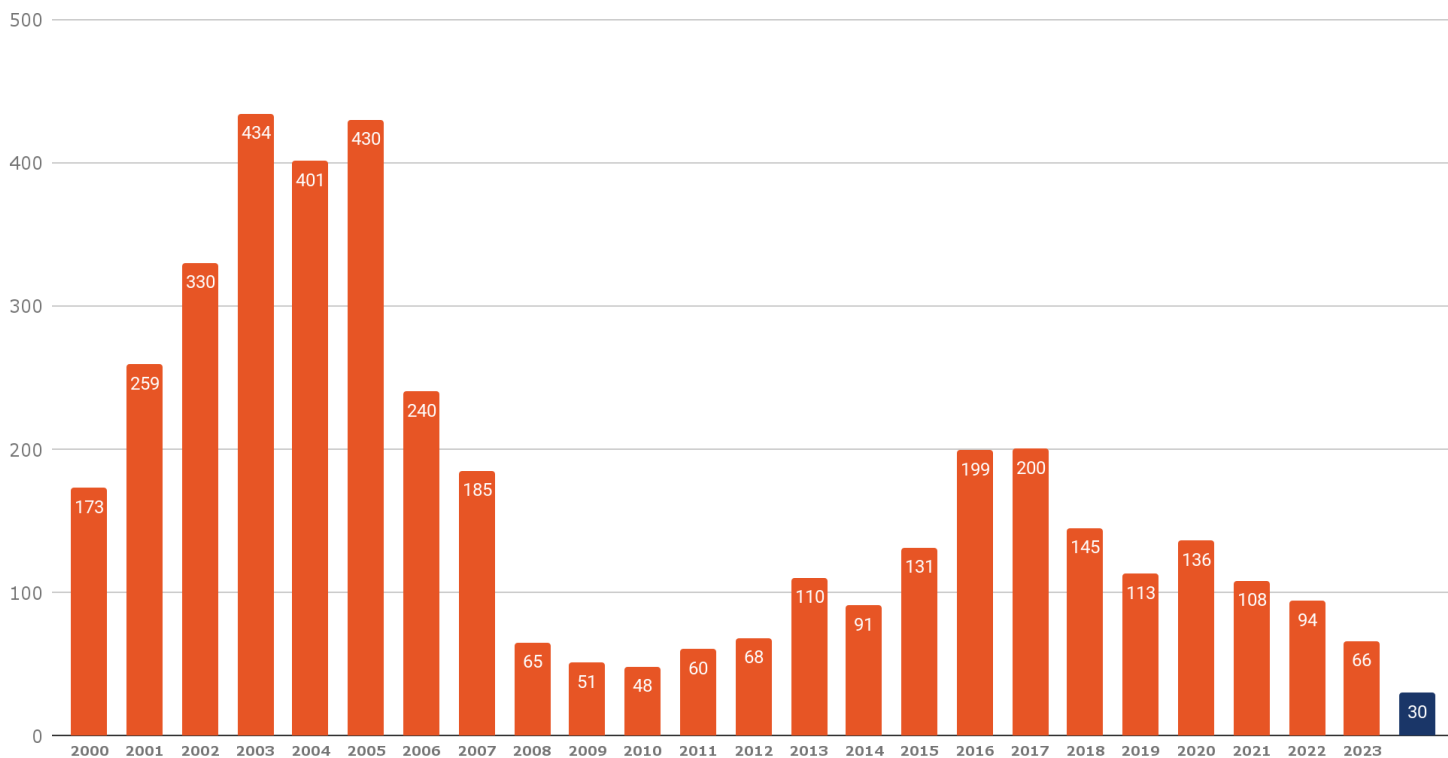
BUILDING PERMIT & INSPECTION ACTIVITY -

TYPE OF PERMIT	MAY 2024	2024 YTD	2023 YTD	2023 TOTAL
Detached Single-Family Residential	12	30	20	71
Attached Single-Family Residential	0	32	28	110
Multi-Family Residential (apartment)	0	9	0	0
Miscellaneous Residential (deck; roof)	69	329	293	753
Commercial - New, Additions, Alterations	0	10	15	27
Sign Permits	3	31	19	64
BUILDING INSPECTIONS	MAY 2024	2024 YTD	2023 YTD	2023 TOTAL
Total No. of Inspections	310	2,021	2,357	5,514
Residential Inspections	239	1,316	1,079	2,836
Commercial Inspections	71	705	1,278	2,678
INVESTMENT	MAY 2024	2024 YTD	2023 YTD	2023 TOTAL
Total Residential Permit Valuation	\$4,772,530	\$17,417,890.00	\$12,730,900	\$47,930,930
Total Commercial Permit Valuation	\$0	\$11,759,515.00	\$34,404,900	\$40,675,232

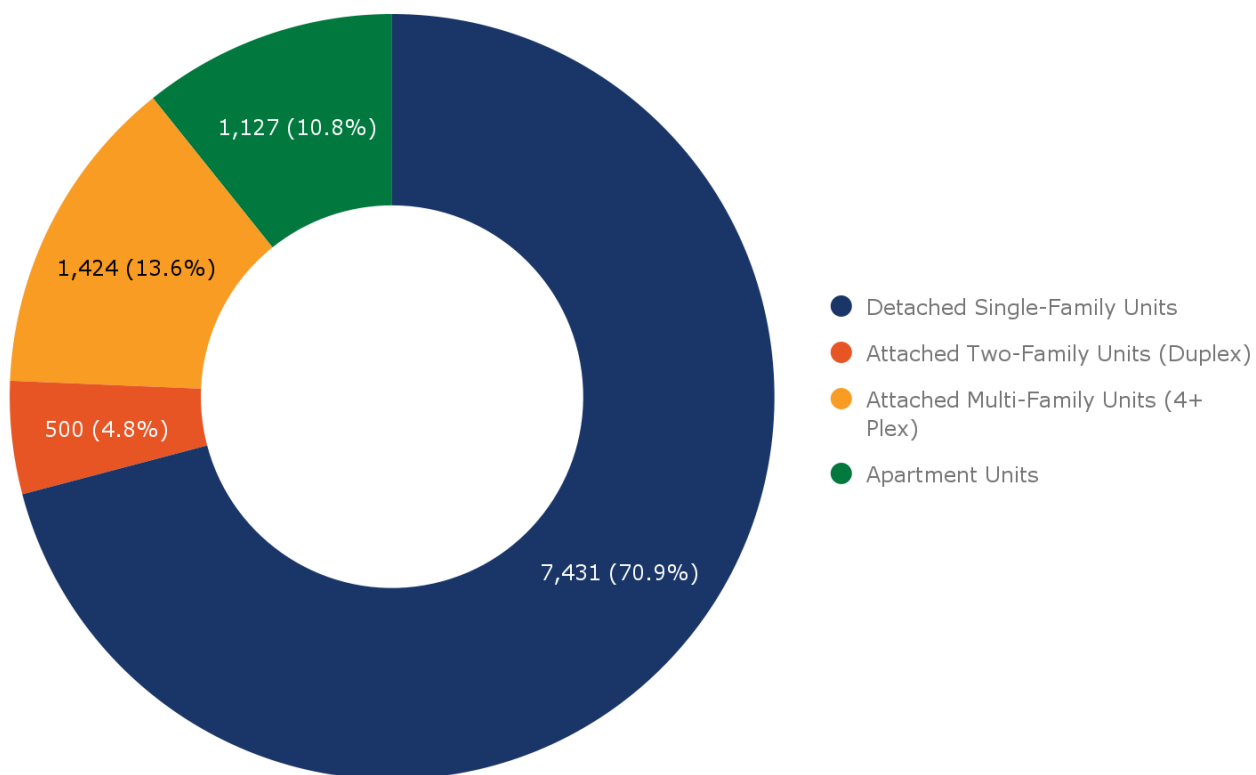
BUILDING CONSTRUCTION ACTIVITY -

- Site-grading for the multi-tenant building located at [1830-1832 W. Foxwood Drive](#) continues. Excavation in preparation for footings is nearing completion.
- A Certificate of Occupancy was granted for the [HteaO project](#). A grand opening should be planned within the next few weeks.
- Site work commenced on the Park Side community pool and clubhouse, located south of 163rd Street and Reed Drive.
- Building permits were issued in the recently completed 2nd phase of the Estates at Knoll Creek

Single Family Housing Permit Trends 2000-2024



Existing Housing Unit Inventory



CODE ENFORCEMENT ACTIVITY -

CODE ENFORCEMENT	MAY 2024	2024 YTD	2023 YTD	2023 TOTAL
Code Enforcement Cases Opened	89	323	315	682
<i>Notices Mailed</i>				
-Tall Grass/Weeds	51	64	60	131
- Inoperable Vehicles	8	129	129	230
- Junk/Trash/Debris in Yard	9	50	52	125
- Object placed in right-of-way	0	3	6	19
- Parking of vehicles in front yard	3	11	11	31
- Exterior home maintenance	9	33	27	76
- Other (trash at curb early; signs; etc)	0	0	0	0
Properties mowed by City Contractor	13	18	12	59
Abatement of violations (silt fence repaired; trees removed; stagnant pools emptied; debris removed)	2	3	4	5
Signs in right-of-way removed	44	251	250	628
Violations abated by Code Officer	5	21	21	55

PLANNING AND ZONING ACTIVITY -

CURRENT PROJECTS -

- Comprehensive Plan
- Development Guide Update
- Informational Brochure Updates
- Creekside Ranch Final Plat
- 195th Street ROW

ACTIONS OF BOARDS, COMMISSIONS & CITY COUNCIL -

MAY 7, 2024 PLANNING AND ZONING COMMISSION -

- No items currently scheduled

MAY 13 2024 CITY COUNCIL MEETING -

- No Development Services items scheduled

MAY 21, 2024 PLANNING AND ZONING COMMISSION -

- Joint Meeting, Planning and Zoning Commission & Park Board - Comprehensive Plan Review

MAY 27, 2024 CITY COUNCIL MEETING -

- Meeting Canceled, Memorial Day Holiday

UPCOMING MEETINGS - JUNE

JUNE 4, 2024 PLANNING AND ZONING COMMISSION -

- Creekside Ranch Final Plat, Lots 1-23

JUNE 10, 2024 CITY COUNCIL MEETING -

- 1st Reading - Creekside Ranch Final Plat, Lots 1-23

JUNE 12, 2024 BOARD OF ZONING ADJUSTMENT (BZA) MEETING -

- 411 S. Pelham Path Fence Variance (public hearing)

JUNE 18, 2024 PLANNING AND ZONING COMMISSION -

- 195th Street Right-of-Way Plat

JUNE 24, 2024 CITY COUNCIL MEETING -

- 2nd Reading - Creekside Ranch Final Plat, Lots 1-23

MAY DEPARTMENT ACTIVITY & EVENTS -

- Development Services Director David Gress met with VanTrust Real Estate and representatives of the Engineering Department to discuss ongoing work with the Raymore Commerce Center South project and the Governor's Cost Share project.
- City Planner Dylan Eppert attended the KU Emerging Leaders Academy hosted by the KU Public Management Center.
- GIS Coordinator Thomas Ehlinger and his wife welcomed their new daughter Harriet this week. **Congratulations to their family!**
- The Department report for the month of April was posted online. [Click here to view the report.](#)
- Economic Development Director Jordan Lea attended and graduated from the University of Oklahoma's Economic Development Institute.
- Development Services Director David Gress met with Building Official Jon Woerner and Finance Director Lisa Williams to review building permit activity for the remaining fiscal year and to plan for building permit activity for the upcoming fiscal year.
- A Final Plat application was filed for the development of the [Creekside Ranch](#) property located at the northeast corner of Gore Road and Kurzweil Road. The Planning and Zoning Commission will review the request at their June 4 meeting.



- A variance application has been filed by the property owner of 411 Pelham Path. The request is to allow for a 6-foot privacy fence to be constructed on a corner lot.
- Economic Development Director Jordan Lea attended the WorkforceYOU planning meeting for a childcare summit.
- Economic Development Director Jordan Lea attended the Kansas City Area Development Council's (KCADC) quarterly investors meeting.
- Economic Development Director Jordan Lea and Development Services Director David Gress attended the Raymore Chamber of Commerce's Coffee and Conversations event.
- Economic Development Director Jordan Lea and Development Services Director David Gress celebrated Economic Development week with development professionals in Cass County at a happy hour event.
- Development Services Director David Gress and City Planner Dylan Eppert met with representatives of the Ray-Pec School District to review ongoing development activity.
- Development Services Director David Gress and City Planner Dylan Eppert met with representatives of the Alexander Creek Homeowners' Association to review development activities around the City and general questions of the HOA.
- Development Services Director David Gress and GIS Coordinator Thomas Ehlinger audited the City's streetlight inventory information.
- Economic Development Director Jordan Lea, Development Services Director David Gress and Finance Director Lisa Williams attended [Culver's](#) Reimagined ribbon cutting to celebrate its full interior remodel. Stop by Culver's at 1621 W Foxwood Drive to check it out!
- Economic Development Director Jordan Lea attended an events committee meeting at the Raymore Chamber of Commerce.
- Economic Development Director Jordan Lea attended the International Economic Development Council's (IEDC) marketing advisory committee meeting.
- Economic Development Director Jordan Lea attended Heartland Certified Public Manager Program presented by the University of Kansas Public Management Center.
- Economic Development Director Jordan Lea and Development Services Director David Gress attended the Raymore Chamber of Commerce monthly board meeting.
- Economic Development Director Jordan Lea and Development Services Director David Gress attended [Raymore Nutrition's](#) ribbon cutting. Raymore Nutrition is located at 1292 W Foxwood Drive.



- The Planning and Zoning Commission and Parks and Recreation Board held a joint work session on Tuesday, May 21 to review the draft Raymore Blueprint 2045 Comprehensive Plan.
- GIS Coordinator Thomas Ehlinger and Development Services David Gress met with the ITS Department to review options for licensing with the City's GIS Program.
- Development Services Director David Gress, City Manager Jim Feuerborn and Mayor Kris Turnbow attended the groundbreaking ceremony for the Grant Park Villas project.
- Development Services Director David Gress and Economic Development Director Jordan Lea attended a planning meeting hosted by MoDOT.
- GIS Coordinator Thomas Ehlinger coordinated a demonstration of mapping and asset management software options to assist the GIS Program and the Public Works Department.
- Economic Development Director Jordan Lea, City Clerk Erica Hill and Communications Manager Melissa Harmer attended the Raymore Chamber of Commerce monthly luncheon.

